# Social Services Appeal Board of Saskatchewan

**Annual Report**
**2003 - 2004**

# Letter of Transmittal

104-06860/

Honourable Joanne Crofford
Minister of Community Resources and Employment

Dear Ms. Crofford:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2004.

Elaine Pederson
Chairperson

# Preface

The Annual Report, presented to the Minister of Community Resources and Employment provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2003 to March 31, 2004.

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# Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the regulations of the Saskatchewan Assistance Plan.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(m)(n), 15-18; the Saskatchewan Assistance Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has taken a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Local Appeal Committee. Depending on the decision of the Local Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

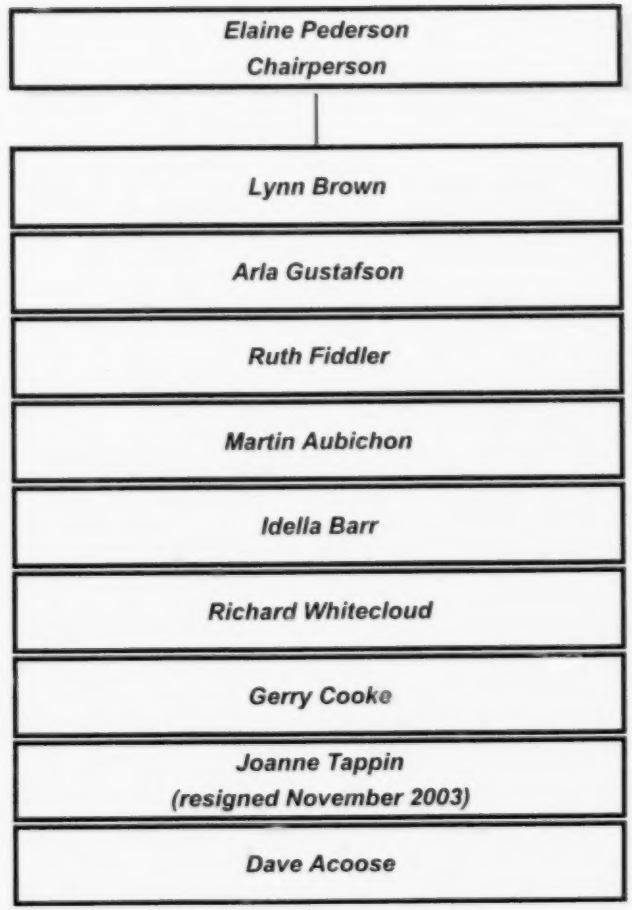
The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the department may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, she may investigate the matter and advise the board if she believes the claim to be substantiated.

# Members of the Board
# 2003 - 2004

Chairperson and Board Members are independent of the Department of Community Resources and Employment. Appointments are made by Minister's Order.

Gloria Edwards/Marianne Giesinger are the appeal co-ordinators in Regina.

Yvonne Brandsema is the appeal co-ordinator in Saskatoon.



# Location of Hearings

Local hearings are held by Local Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to six persons. A quorum is three members.

The chairperson attends all appeal hearings and writes the decisions which are conveyed in writing to clients, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

# Chairperson's Comments

The 2003 - 2004 annual report of the Social Services Appeal Board is available on-line at **www.dcre.gov.sk.ca/publications/annualreports/appeal board/ssappealboard 2003.04.htm**.

There was a significant increase in the number of appeal requests during 2003 - 2004. Two hundred and twenty-two requests were received compared to 171 in 2002 - 2003. Five requests were denied and 20 requests were withdrawn before the hearing was convened. Twenty-seven meetings were held in Regina and 33 in Saskatoon.

Decisions favoured clients in 24.8% of the cases. This is an historically consistent figure but is significantly higher than the 18.7% in 2002 - 2003.

Once again the majority of cases dealt with Section 6(1)(b-e) - 38.2%

2002- 2004 was the first year the Social Services Appeal Board heard appeals from the Transitional Employment Allowance program. Initially there was some concern regarding client response since the appeals would be held via teleconference. There were very few TEA appeals - six from the Southwest region and one from the Centre region. Of the six appeals that were convened, clients participated in two conversations. After the first two client absences, new information letters were prepared and provided to those who requested appeals. There was usually telephone contact prior to the meeting as well. Cases involving Sec. 6(1)(b-e) dealt with similar issues. This board heard 86 of those cases - in 22 of those, clients did not appear. (33% of TEA clients participated via

# Chairperson's Comments *(continued)*

teleconference, 74% of clients who had the opportunity to appeal similar issues in person, attended the metings). The board has not drawn any conclusions regarding these figures, there are too many variables, we will continue to monitor the process. The last request for a TEA appeal was in October 2003.

The transition planning approach is now familiar to most appeal participants. During 2003 - 2004, Board members in both Regina and Saskatoon had the opportunity to meet with managers of local pre-employment programs to discuss mutual concerns. These meetings were informative and beneficial. The Social Services Appeal Board appreciates the time and effort expended by Department staff.

Each year, via the annual report, the Social Services Appeal Board comments on a particular conern based on observations made during appeal hearings. In the past few months the board has met with several young people who are leaving the jurisdiction of the Family Services division. The transition to Income and Employment Services was often problematic. The Social Services Appeal Board encourages both divisions to work closely with these young clients through an integrated case planning approach. When matters come to appeal, the Department of Community Resources and Employment must recognize the Social Services Appeal Board needs complete background information if fair and informed decisions are to be made.

## Table 1 - Statistics
## Number of Local and Provincial Appeals
## (1998 - 1999 to 2003 - 2004)

| | Local | Provincial |
|---|---|---|
| 1998 - 1999 | 482 | 179 |
| 1999 - 2000 | 481 | 172 |
| 2000 - 2001 | 397 | 135 |
| 2001 - 2002 | 416 | 137 |
| 2002 - 2003 | 502 | 171 |
| 2003 - 2004 | 586 | 222 |

## Table 2 - Local Appeals
## Location and Disposition 2003 - 2004
## Summary by Region

| Region | Decision in Favour of Client | Decision in Favour of Director | Total |
|---|---|---|---|
| Southwest | 19 | 154 | 173 |
| Southeast | 3 | 31 | 34 |
| Centre | 42 | 177 | 185 |
| Northeast | 14 | 61 | 75 |
| Northwest | 8 | 122 | 130 |
| Total | 86 | 525 | 586 |

**Note: Totals may not balance because one appeal may result in more than one decision.**

## Table 3 - Provincial Appeals
## Source of Provincial Appeals.
## 2003 - 2004

| Region | Appealed by Client | Appealed by Director | Total |
|---|---|---|---|
| Southwest | 81 | 7 | 88 |
| Southeast | 6 | 1 | 7 |
| Centre | 40 | 12 | 52 |
| Northeast | 24 | 9 | 33 |
| Northwest | 31 | 1 | 32 |
| Total | 182 | 30 | 212 |

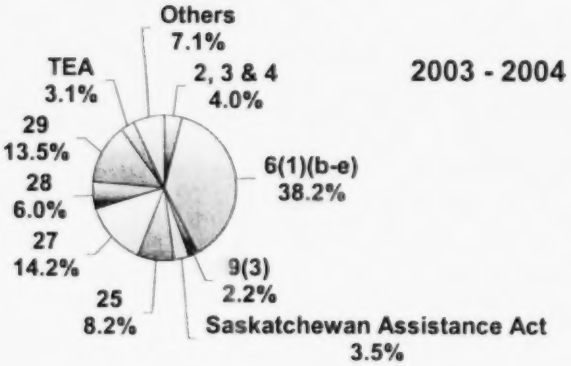
**Note:** **17 requests for appeals were denied**
**20 appeals were withdrawn**
**Some cases were appealed by both client and director**

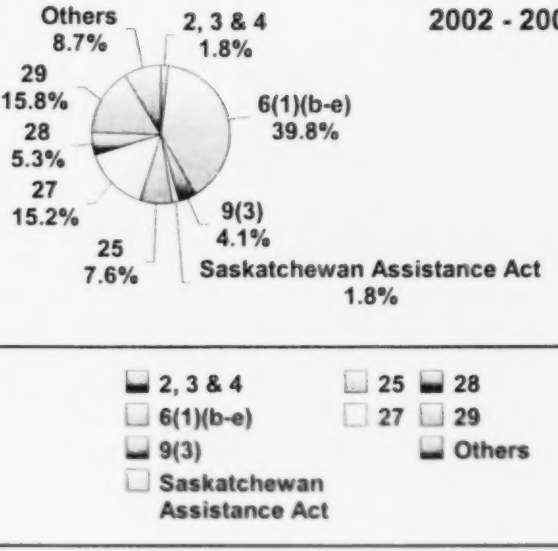
# Table 4 - Provincial Appeals
# Summary by Region
# 2003 - 2004

| | Client Sourced Appeals | | Director Sourced Appeals | |
|---|---|---|---|---|
| **Region** | **Decision For Client** | **Decision Against Client** | **Decision For Director** | **Decision Against Director** |
| Southwest | 13 | 60 | 4 | 3 |
| Southeast | 3 | 3 | 1 | 0 |
| Centre | 9 | 23 | 6 | 5 |
| Northeast | 8 | 19 | 3 | 5 |
| Northwest | 3 | 25 | 1 | 0 |
| Total | 36 | 130 | 15 | 13 |

**The number of appeals received and the number of decisions is not equaldue to denials, withdrawals and split decisions.**

# Table 5 - Social Services Appeal Board
# Appeals by Reason
# (segments represent the SAP Regulation appealed)




| | |
|---|---|
| 2, 3 & 4 | - Common-law, etc. |
| 6(1)(b-e) | - Failure to explore every possibility of self-support, to participate in determining eligibility, to advise of changes in circumstances, to participate in periodic case planning |
| 9(3) | - Method of calculating entitlement |
| Saskatchewan Assistance Act | - Section 29.3, 29.5 - overpayments |
| 25 | - Basic Needs, shelter, food, personal |
| 27 | - Special Needs |
| 28 | - Income exemptions |
| 29 | - Excess income or assets |
| Transitional Employment Allowance | - Sec.5(2)(b), 20(1)(d) |
| Others | - Includes, failure to co-operate, university students, right to appeal, trusteeships |

## Table 6 - Appeal Board Meetings
## Provincial Appeals Heard in Regina and Saskatoon

2000 - 2001 to 2003 - 2004

| | Regina Meetings | Cases Heard | Saskatoon Meetings | Cases Heard |
|---|---|---|---|---|
| 2000 - 2001 | 20 | 55 | 25 | 57 |
| 2001 - 2002 | 24 | 52 | 24 | 62 |
| 2002 - 2003 | 28 | 75 | 28 | 75 |
| 2003 - 2004 | 27 | 89 | 33 | 108 |

# Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substaniated. In those cases the Department of Community Resources and Employment will also be advised. The Department may then initiate action which satisfies the client.

**2003 - 2004**

| Cases Opened | Cases Closed | Not Substantiated | Substantiated & Rectified | Substantiated & Unresolved | Discontinued |
|---|---|---|---|---|---|
| 16 | 9 | 8 | 1 | 0 | 0 |

**Cases outstanding April 1, 2003:** 7
**Cases outstanding March 31, 2004:** 16